



MARK J STEWART  
ELI LILLY AND COMPANY  
LILLY CORPORATION CENTER/DC 1104  
INDIANAPOLIS, IN 46285

**COPY MAILED**

OCT 21 2005

In re Application of  
Mark Laurence Brader et al  
Application No. 09/868,974  
Filed: June 20, 2001  
Attorney Docket No. X-11869

OFFICE OF PETITIONS  
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 20, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed November 3, 2004, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). Since the amendments submitted on January 3, 2005 and February 1, 2005 did not *prima facie* place the application in condition for allowance as noted in the Advisory Actions mailed January 19, 2005 and April 20, 2005. Therefore, as no Notice of Appeal (and appeal fee), Request for Continued Examination (RCE) or a continuing application was timely filed, and no extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on July 5, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Request for Continued Examination (RCE); (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of November 3, 2004 is accepted as having been unintentionally delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 1656.

  
Wan Laymon

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner  
for Patent Examination Policy

cc: ELI LILLY AND COMPANY  
PATENT DIVISION, GAC  
P.O. BOX 6288  
INDIANAPOLIS, IN 46206-6288